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S/N: 10/768,981
Docket No.: 3442K001

CERTIFICATE OF MAILING

I hereby certify that this document is being sent via First Class U. S. mail addressed to:
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 3rd
day of October, 2007.

Richard B. Klar

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Application of: Mazzilli, Joseph J.

Group No.: 2833

Serial No.: 10/768,981

Examiner: Nhon Diep

Filed: January 31, 2007

For: **PERSONALIZED ALARM CLOCK**

Commissioner for Patents
PO Box 450
Alexander, VA 22313-1450

Response to Notice Requiring Excess Fee

In response to the Notice Requiring Excess Fee mailed on
September 28, 2007 for which a response is due on October 28, 2007,
applicant encloses the required fee by check and a copy of the notice.

Respectfully submitted,

Richard B. Klar
Reg. No. 31,385
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Mineola, New York 11501
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UNITED STATES PATENT AND TRADEMARK OFFICE



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09/28/2007

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UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

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Paper No.

Application No.: 10/768,981

Date Mailed: 09/28/2007



First Named Inventor: Mazzilli, Joseph, J.

Examiner: PHAN, THANH S

Attorney Docket No.: 234RK001

Art Unit: 2833

Confirmation No.: 4527

Filing Date: 01/31/2004

Please find attached an Office communication concerning this application or proceeding.

Commissioner for Patents

**NOTICE REQUIRING EXCESS CLAIMS
FEES**

Application No.

10/768,981

Applicant(s)

MAZZILLI ET AL.

Art Unit

2800

The excess claim(s) filed on 15 May, 2007 is not accompanied by the appropriate payment of excess claims fees set forth in 37 CFR 1.16(h)-(j) or 1.492(d)-(f). Excess claims fees are required for each claim in independent form in excess of three (§ 1.16(h)), each claim (whether dependent or independent) in excess of twenty (note that § 1.75(c) indicates how multiple dependent claims are considered for fee calculation purposes) (§ 1.16(i)), and each application that contains a multiple dependent claim (§ 1.16(j)).

Since the application is not under a final rejection, applicant is given a time period of **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, to submit either: (1) the fee payment of \$ 50, or (2) an amendment in compliance with 37 CFR 1.121 that cancels the excess claim(s), in order to avoid ABANDONMENT. Extensions of this time period may be granted under 37 CFR 1.136, unless the excess claim(s) was presented in a preliminary amendment.

- ☐ 1. The funds in Deposit Account No. _____ are insufficient to cover the entire fee due. The balance is due within the time period set forth in this notice. See note below regarding the appropriate service charge.
- ☐ 2. The Credit Card payment to cover the entire fee due to Account _____ (Card type + last 4 digits ONLY) was refused. The balance is due within the time period set forth in this notice. See note below regarding the appropriate service charge.
- ☐ 3. The amendment that includes the excess claim(s) has not been entered, since applicant has failed to remit (or authorize charge to a Deposit Account or Credit Card) the fee as indicated on the attached Patent Application Fee Determination Record (PTO/SB/06). Remittance or authorization is due within the time period set forth in this notice.
- ☒ 4. The fee submitted in this application is insufficient. A balance of \$ 50 is due for presentation of excess claims (37 CFR 1.16(h)-(j) or 1.492(d)-(f)).
- ☐ 5. Other.

Explanation (*Provide specific details of the required correction in order to assist the applicant. Indicate whether a service charge has been added to the fee due*):

THE AMOUNT OF THE FEE(S) DUE IS SUBJECT TO CHANGE, GENERALLY ON OCTOBER 1 OF EACH YEAR (37 CFR 1.16, 1.21 & 1.492). THE AMOUNT OF THE FEE(S) DUE IS DETERMINED AS OF THE DATE A COMPLETE REPLY WITH THE APPROPRIATE FEE(S) IS RECEIVED BY THE OFFICE (37 CFR 1.8 & 1.10). BECAUSE THE AMOUNT DUE IS SUBJECT TO CHANGE, IT IS RECOMMENDED THAT APPLICANT CHECK THE CURRENT FEE SCHEDULE WHICH IS AVAILABLE ON THE USPTO'S WEBSITE AT: <http://www.uspto.gov/web/offices/ac/qs/ope/fees.htm>

Service Charges: There is a \$50 service charge for processing each payment refused (including a check returned "unpaid") or charged back by a financial institution (37 CFR 1.21(m)). There is a \$25.00 service charge for each month when the balance of a deposit account is below \$1000 at the end of the month (37 CFR 1.21(b)(2)).

Technical Support Staff (TSS): /Monique Brunson/

Phone Number: 5712721561

Note to TSS: Please do NOT use this notice if the application is under a final rejection.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number

10/768,981

Filing Date

01/31/2004

☒ To be Mailed**APPLICATION AS FILED – PART I**

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	SMALL ENTITY <input checked="" type="checkbox"/>	OR	OTHER THAN SMALL ENTITY
			RATE (\$) FEE (\$)		RATE (\$) FEE (\$)
<input type="checkbox"/> BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A		N/A
<input type="checkbox"/> SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A		N/A
<input type="checkbox"/> EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A		N/A
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 = *		X \$ =	OR	X \$ =
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 = *		X \$ =		X \$ =
If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).					
<input type="checkbox"/> APPLICATION SIZE FEE (37 CFR 1.16(s))					
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))					

* If the difference in column 1 is less than zero, enter "0" in column 2.

TOTAL

TOTAL

APPLICATION AS AMENDED – PART II

AMENDMENT	(Column 1)	(Column 2)	(Column 3)	SMALL ENTITY	OR	OTHER THAN SMALL ENTITY
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$) ADDITIONAL FEE (\$)		RATE (\$) ADDITIONAL FEE (\$)
05/15/2007						
Total (37 CFR 1.16(i))	* 25 Minus ** 23 = 2			X \$25 = 50	OR	X \$ =
Independent (37 CFR 1.16(h))	* 2 Minus *** 3 = 0			X \$100 = 0	OR	X \$ =
<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))						
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					OR	
				TOTAL ADD'L FEE		TOTAL ADD'L FEE
				50	OR	
AMENDMENT	(Column 1)	(Column 2)	(Column 3)	SMALL ENTITY	OR	OTHER THAN SMALL ENTITY
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$) ADDITIONAL FEE (\$)		RATE (\$) ADDITIONAL FEE (\$)
Total (37 CFR 1.16(i))	* Minus ** =			X \$ =	OR	X \$ =
Independent (37 CFR 1.16(h))	* Minus *** =			X \$ =	OR	X \$ =
<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))						
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					OR	
				TOTAL ADD'L FEE		TOTAL ADD'L FEE
					OR	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Legal Instrument Examiner:
/Monique Brunson/